

VILLAGE OF McDONALD, OHIO

ORDINANCE NO. 3206-17

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR CONTRACTOR REGISTRATION IN THE VILLAGE OF McDONALD, OHIO.

WHEREAS, to provide for the health, safety, and general welfare of Village of McDonald residents by assuring to the extent possible legitimate contractors perform services in the Village, Council for the Village of McDonald deems it prudent to enact legislation establishing contractor registration requirements; and

WHEREAS, it is Council's intent that this Ordinance be codified in the Codified Ordinances under a Chapter entitled "Contractor Registration."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, COUNTY OF TRUMBULL, AND STATE OF OHIO, that:

SECTION 1: DEFINITIONS

For purposes of this chapter, "contractor" means any individual, firm, partnership, corporation, limited liability company, entity, association, organization, or any combination thereof which by itself, himself or herself, or through others, constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure, dwelling or appurtenance.

SECTION 2: REGISTRATION REQUIRED

(a) Except pursuant to a registration issued in conformity with this chapter, no contractor shall perform or provide any construction, services, work, labor or material:

(i) requiring the issuance of a building permit as defined in section 1107.10 of the Codified Ordinances of the Village of McDonald, Ohio; or

(ii) concerning the repair and/or replacement of more than twenty-five percent (25%) of the total area of the roof of any building, structure or dwelling.

(b) The provisions of this chapter do not apply to a homeowner personally performing or permitting an immediate family member to perform work upon the premises or dwelling in which he or she resides. Notwithstanding anything herein to the contrary, all such work shall conform to the Ohio Building Code and Village Ordinances and all required permits, inspections, and approvals must be obtained.

SECTION 3: REGISTRATION APPLICATION

(a) An applicant for registration as a contractor shall make application to the Building Inspector on forms prescribed by the Village. Each application for registration shall contain the name, address, and telephone number of the applicant; state whether the applicant is an individual, firm, partnership, corporation, limited liability company, entity, association, organization, or any combination thereof; shall contain the current qualification certificate(s) issued by the State of Ohio if required to perform work in a trade (such as for electrical, heating ventilation and air conditioning [HVAC], fire protection, and plumbing services); shall contain a Regional Income Tax Agency business registration form; and shall contain such further information and documents as the Village requires.

(b) An application shall be granted if the Building Inspector determines the applicant is qualified and licensed to perform the work for which the application for registration is submitted and otherwise meets the requirements of this chapter.

(c) Evidence of repeated violations of the Ohio Building Code or ordinances of the Village, any other municipality, or township shall be sufficient evidence to deny an application for registration.

SECTION 4: REGISTRATION FEE; REGISTRATION VALID FOR CALENDAR YEAR

A contractor must submit an application for registration and receive a registration for each calendar year. A fee of One Hundred Dollars (\$100.00) shall be paid with a contractor's initial application for registration. After the initial calendar year in which a contractor is registered, a contractor desiring to renew its registration from year to year shall pay a fee of Fifty Dollars (\$50.00) with each renewal application. All fees paid shall be retained by the Village and credited to the General Fund regardless of whether a registration is issued. A registration is valid only for the calendar year in which it is issued.

SECTION 5: INSURANCE; WORKER'S COMPENSATION

An applicant for a registration as a contractor shall furnish evidence of, and maintain in effect for the entire calendar year in which a registration is issued, general liability, motor vehicle liability, and bodily injury liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate, property damage insurance in an amount of not less than one hundred thousand dollars (\$100,000.00) per occurrence, and evidence of compliance with the State of Ohio Bureau of Workers' Compensation laws.

SECTION 6: SUSPENSION; REVOCATION

The Building Inspector may suspend or revoke any registration issued under this chapter for any of the following reasons:

- (a) Misrepresentation of a material fact by a contractor in obtaining a registration;
- (b) Use of a registration in obtaining permits for another contractor or person;
- (c) Faulty or defective workmanship;
- (d) Departure from or disregard of plans and specifications filed with a building permit application; or
- (e) Noncompliance with or violation of any provision of the Ohio Building Code, this chapter, any Village Ordinance or any law.

A contractor whose registration application is denied or whose registration is suspended or revoked may appeal such denial, order of suspension or revocation to the Board of Zoning Appeals. The appeal shall be made in writing and filed with the Village within thirty (30) days of the date listed on the notice or order of suspension, revocation or denial. The Board of Zoning Appeals may affirm, reverse or modify any action taken by the Building Inspector. Notwithstanding anything herein to the contrary, any criminal complaint filed pursuant to this chapter is not subject to an appeal to the Board of Zoning Appeals.

SECTION 7: PENALTY

Whoever violates any provision of this chapter is guilty of a misdemeanor of the second degree punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00), a jail term of not more than ninety (90) days, or both.

SECTION 8: The passage of this Ordinance and all deliberations relating of the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22

SECTION 9: This Ordinance shall be in full legal force and effect from and after the earliest period allowed by law.

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Passed in Council this 5th day of April, 2017.

Glen M. Puckett

Mayor

Attest to:

Robin DeBow

Fiscal Officer

Posted 4/7/17